

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion
DOI-BLM-CO-SO50-2015-0038 CX**

July 2015

**Nucla-Naturita Telephone Company
DD Road Buried Telephone Cable**

Location Western Montrose County south of Nucla, CO.

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300**



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CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-S050-2015-0038 CX

CASEFILE: COC-12348

PROJECT NAME: Buried Telephone Cable along Montrose County DD Road

PLANNING UNIT: San Juan/San Miguel Resource Management Unit

LEGAL DESCRIPTION: New Mexico Principal Meridian, CO
T. 46 N., R. 16 W.,
sec. 13, N1/2NE1/4, SE1/4NE1/4 and NE1/4NW1/4.

APPLICANT: Nucla-Naturita Telephone Company (NNTC)

BACKGROUND: NNTC has applied for an amendment to add a 4,280 foot section of new telephone cable immediately adjacent to their existing cable within their existing right-of-way (ROW). The new cable will be buried by plowing it in their ROW which is also within the Montrose County DD Road ROW. NNTC proposes to place this new direct bury 12 pair by 22 gage cable with a vacant 1-1/4" duct within a foot of their existing buried telephone cable. This new telephone cable will increase NNTC's capacity and replaces some aging, existing infrastructure. Additionally, within or adjacent to DD road there is an oil and gas pipeline ROW issued to Source Gas.

GIS Map Shapefile location - T:\CO\GIS\giswork\ufo\projects\lands\NNTC

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue an amendment to NNTC's ROW COC-12348 for the installation and maintenance of a new buried telephone cable which will be installed in their existing ROW. The existing ROW is approximately 4,280 feet in length, 10 feet in width and contains approximately 0.983 acres. This new telephone cable would be buried directly adjacent to their existing telephone cable which is buried in the Montrose County DD ROW. No additional access routes are required since the work is occurring within the county road ROW.

The amendment would be issued under FLPMA with the right of renewal and be subject to the stipulations attached as Exhibit A. The existing ROW expires in 2041. NNTC's facilities are recognized under the Rural Electrification Act and are rental exempt.

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5-3, BLM 1617.3):

Name of Plan: San Juan/San Miguel Planning Area Resource Management Plan

Date Approved: September 1985

Decision Number/Page: Area Ec: Emphasis on Mineral Development (Future Coal Leasing Area)/Page 41

Decision Language: Major utility corridors would be allowed as long as they don't conflict with mineral development.

Decision Number/Page: Area H: Emphasis on Public Land Disposal/Page 48

Decision Language: Provide for disposal of the public lands. Major utility corridors would be allowed. Allow other land actions to proceed, especially when there is a clear & significant public need.

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number E. 12, which allows "Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way."

None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Be directly related to other actions with individually insignificant but	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- cumulatively significant environmental effects. _____ X
7. Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places. _____ X
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species. _____ X
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. _____ X
10. Have disproportionately high and adverse effect on low income or minority populations. _____ X
11. Limit access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites. _____ X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species. _____ X

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Nick Szuch	Realty Specialist	Lands and Realty
Glade Hadden	Archaeologist	Cultural, Native American Religious Concerns
Ken Holsinger	Biologist	T&E, Migratory Birds, Vegetation

REMARKS:

Cultural Resources: The project is being implemented in previously disturbed ground and has been inventoried with negative results. No further work is required.

Native American Religious Concerns: There are none known or anticipated for this project.

Threatened and Endangered Species: There are no threatened or endangered species (i.e. listed under the Endangered Species Act), that inhabit or derive important use from the project area.

Migratory Birds: To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15 through July 15. This timeframe encompasses the core breeding season for the majority of migratory birds in the project area. Project activities shall retain and avoid modifying identified cavity trees, snags, and perches in the project area.

NAME OF PREPARER: Nick Szuch July 13, 2015

NAME OF ENVIRONMENTAL COORDINATOR: Jedd Sondergard

DATE:

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7/21/15

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E. 12. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:

Barbara Sharrow

Barbara Sharrow,
Uncompahgre Field Office, Field Manager

DATE SIGNED:

7-27-15

Attachments:

Exhibit A - Stipulations

Exhibit B - Maps

STIPULATIONS

1. The holder shall contact the authorized officer at least five days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or its representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, who can be reached at the Uncompahgre Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Nick Szuch, Realty Specialist, Uncompahgre Field Office, (970) 240-5322.
2. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in conformance with the terms, conditions and stipulations contained herein. Any relocation, additional construction, or use that is not in accord with the approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all plans and stipulations shall be made available at the right-of-way site during construction. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.
3. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
4. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
5. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides/herbicides,

the holder shall obtain from the authorized officer written approval of the applicant's plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.

6. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations) including pesticides/herbicides approved for use on BLM land.
7. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.
9. The authorized officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in their judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
10. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
11. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.
12. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment.

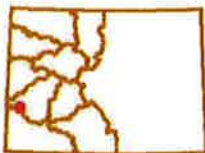
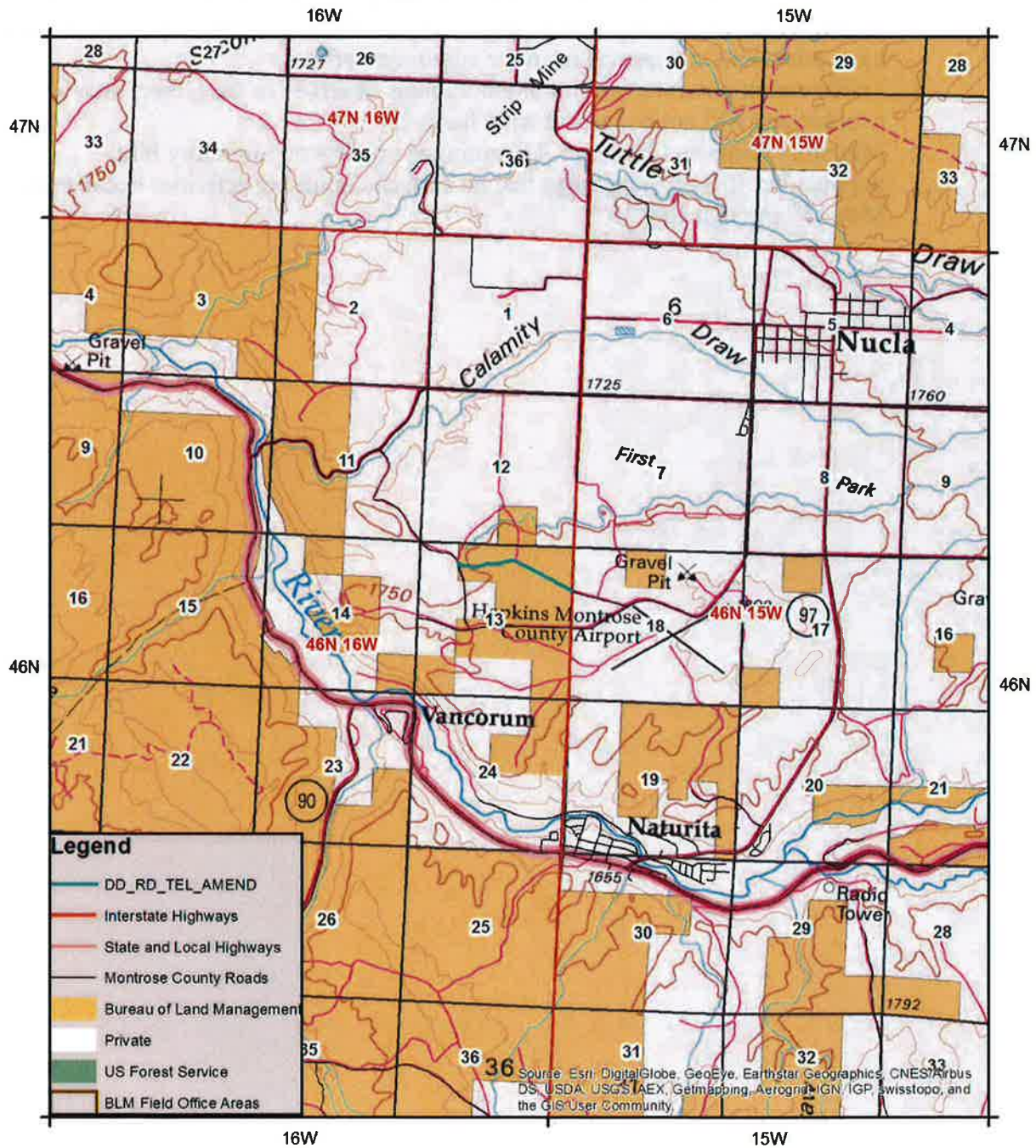
13. The holder shall disturb the minimum amount of soils and vegetation necessary for the construction, operation and maintenance of the facilities under this right-of-way. The holder shall recontour disturbed areas as necessary by grading to restore the area to approximately the original contour of the ground as directed by the authorized officer.
14. The holder shall seed all disturbed areas with the following seed mix. There shall be no primary or secondary noxious weed seed in the seed mixture. In addition, there should be no more than 0.5% total weed seed, less than 2% other seed, and no trash larger than ¼ inch in length. Seed shall not be stored in burlap bags. Seed going on projects less than 20 acres or less than 200 lbs. shall be tested, and the viability testing of seed shall be done in accordance with State law(s). Seed tests shall be less than one year old and can be from the company's seed test. Seed test documents can be from: a) certified "blue" tag(s); b) an independent seed lab test; or c) a seed lab analysis either by seed lot or by seed mix. Copies of the seed test documents shall be forwarded to the BLM, Uncompahgre Field Office. Commercial seed shall be either certified or registered pure live seed (PLS). The seed container shall be tagged in accordance with State law(s) and available for inspection by the authorized officer. Only State Certified weed free mulch shall be used.

The seed shall be evenly and uniformly planted over any disturbed areas. Seed shall be broadcast and the area shall be raked or chained to cover the seed. The seeding will be repeated until a satisfactory stand is established as determined by the authorized officer. Evaluation of growth will not be made before completion of the second growing season after seeding. The authorized officer is to be notified a minimum of two days prior to seeding of the project. Seeding shall be completed at a time of optimum soil moisture content, i.e., early spring or the fall.

<u>Seed Mix</u>	<u>Pounds/acre PLS</u>
Indian Ricegrass	4
Western wheatgrass	<u>4</u>
Total	8 lbs/acre PLS

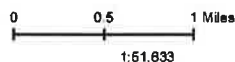
15. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated. Prior to any surface disturbing activities, **the holder shall acquire all necessary permits, including but not limited to obtaining a permit from Montrose County for work to be done within their county road right-of-way.**
16. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.
17. The following mitigation measures are recommended by the BLM Wildlife Biologist to ensure the project has no effect on any federally listed or sensitive species:

- a. Construction activity and new surface disturbance will be prohibited during the period from December 1st to April 30th for the protection of elk and mule deer within winter and severe winter range. Any exceptions to this requirement must have prior written approval from the authorized officer.
- b. To the extent possible, reptiles or amphibians observed in the project area will be avoided and will not be intentionally harmed.
- c. Migratory Birds and Raptors: To minimize impacts on migratory bird populations, it is recommended that no surface disturbing activities occur from May 15th through July 15th.



No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

COC-12348 - NNTC DD Road Telephone Line Amendment



Date: 6/11/2015

Document Path: T:\OIGIS\user\ufv\azuch\LandTemplate\20141106\Nick.mxd



Maps

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401**

Decision Record

(DOI-BLM-CO-S050-2015-0038 CX)

PROJECT NAME: Amendment to NNTC ROW COC-12348

DECISION:

It is my decision to amend NNTC's ROW to add a buried telephone cable to their existing ROW. The new telephone cable will provide increased capacity and replace their aging, existing infrastructure.

NNTC will bury the new telephone cable immediately adjacent to their existing cable within Montrose County's DD Road ROW. The existing ROW is approximately 4,280 feet long, 10 feet wide and contains 0.983 acres.

The amendment will be issued under FLPMA with the right of renewal and be subject to the stipulations attached as Exhibit A.

MITIGATION MEASURES:

All stipulations shown in Exhibit A of the Categorical Exclusion (CX) will be followed.

RATIONALE:

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, Number E.12. This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the San Juan/San Miguel RMP.

PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre NEPA Register and a copy of the completed CX will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400. This decision goes into effect immediately and will remain in effect pending appeal unless a stay is granted (43 CFR §2801.10).

NAME OF PREPARER: Nick Szuch July 13, 2015


NAME OF ENVIRONMENTAL COORDINATOR: _____


Jedd Sondergard

DATE

7/21/15

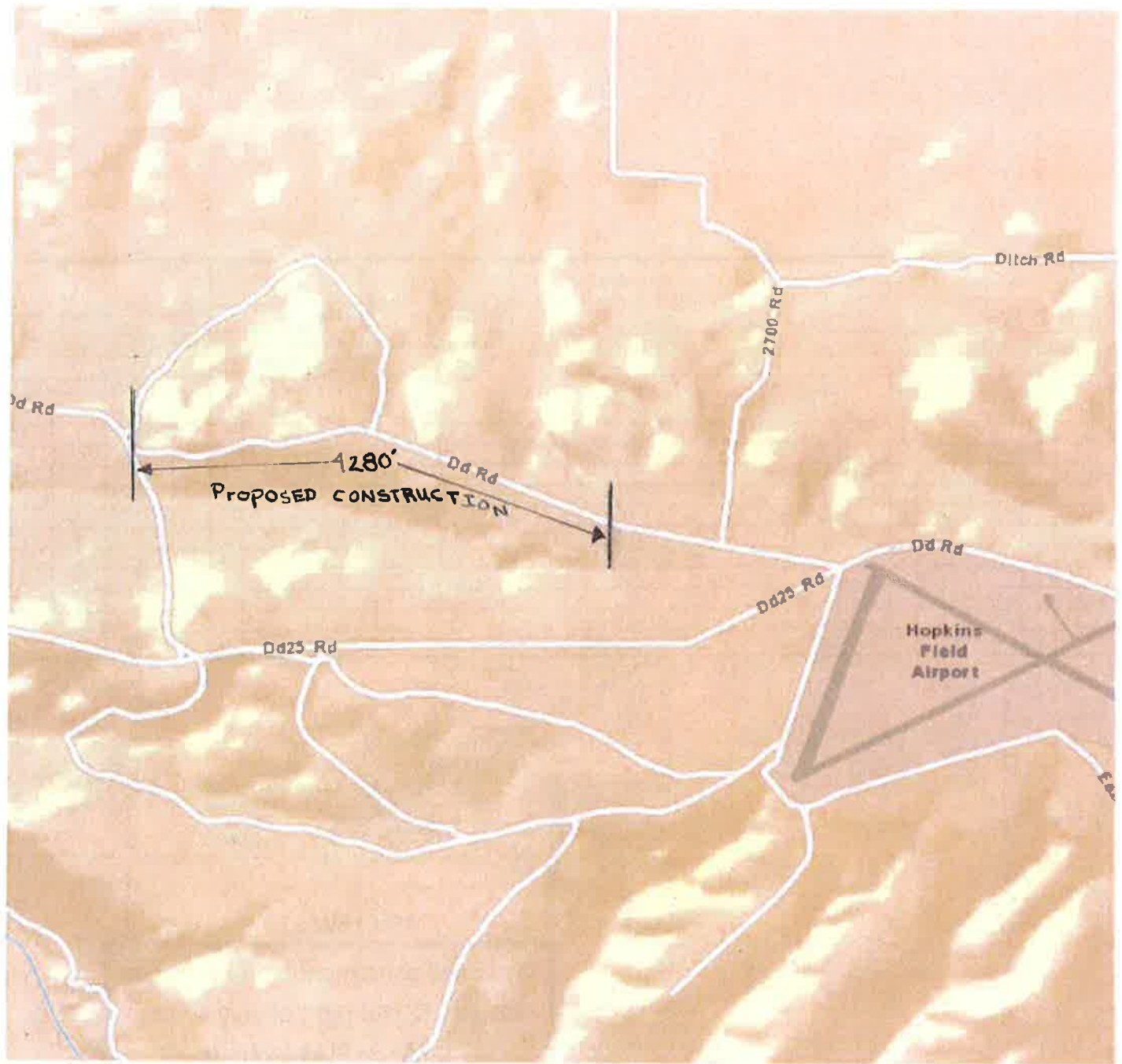
SIGNATURE OF AUTHORIZED OFFICIAL _____


Barbara Sharrow
Field Manager
Uncompahgre Field Office

DATE SIGNED

7-27-15

DDrd telephone line construction on BLM grounds

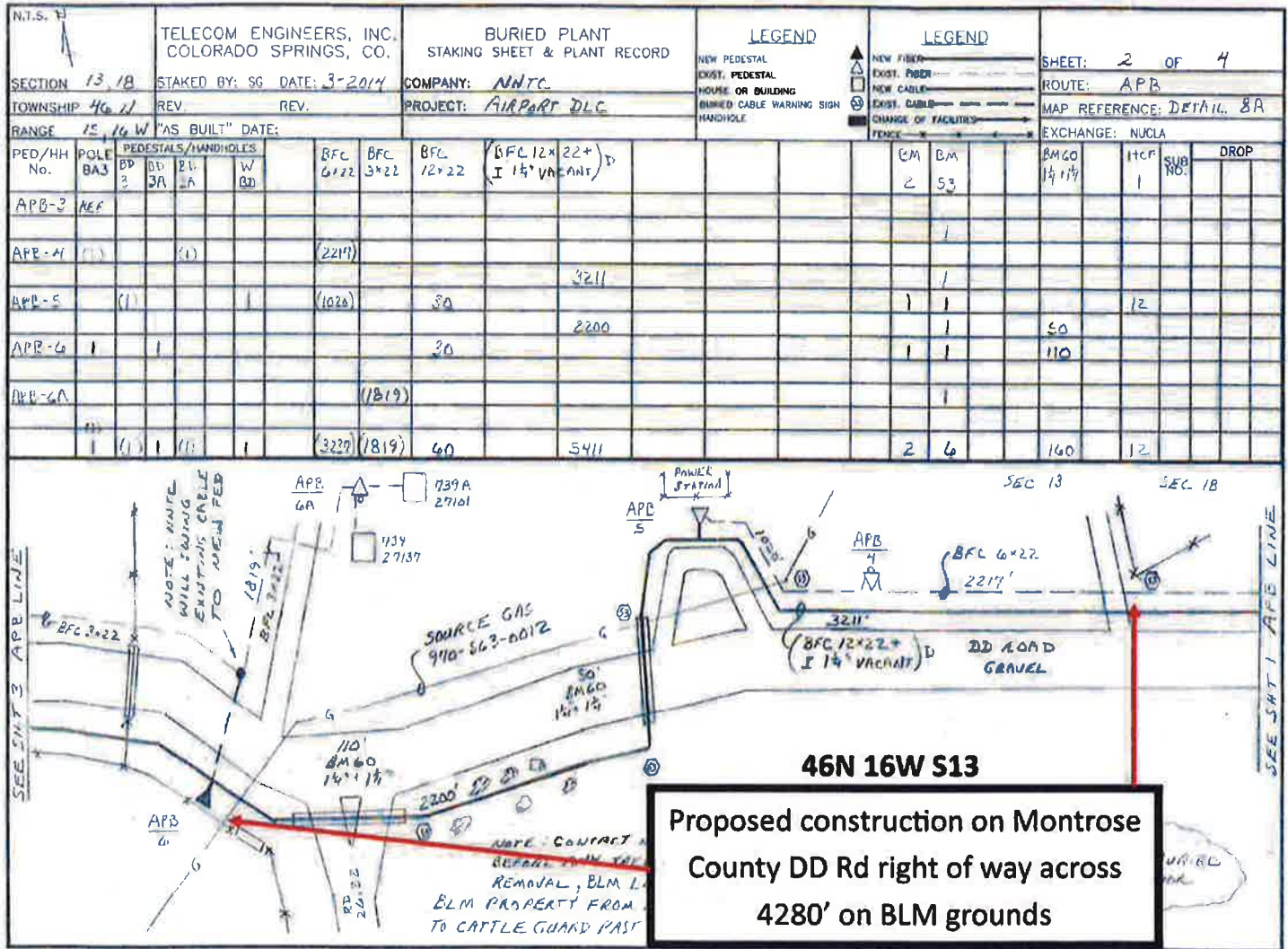


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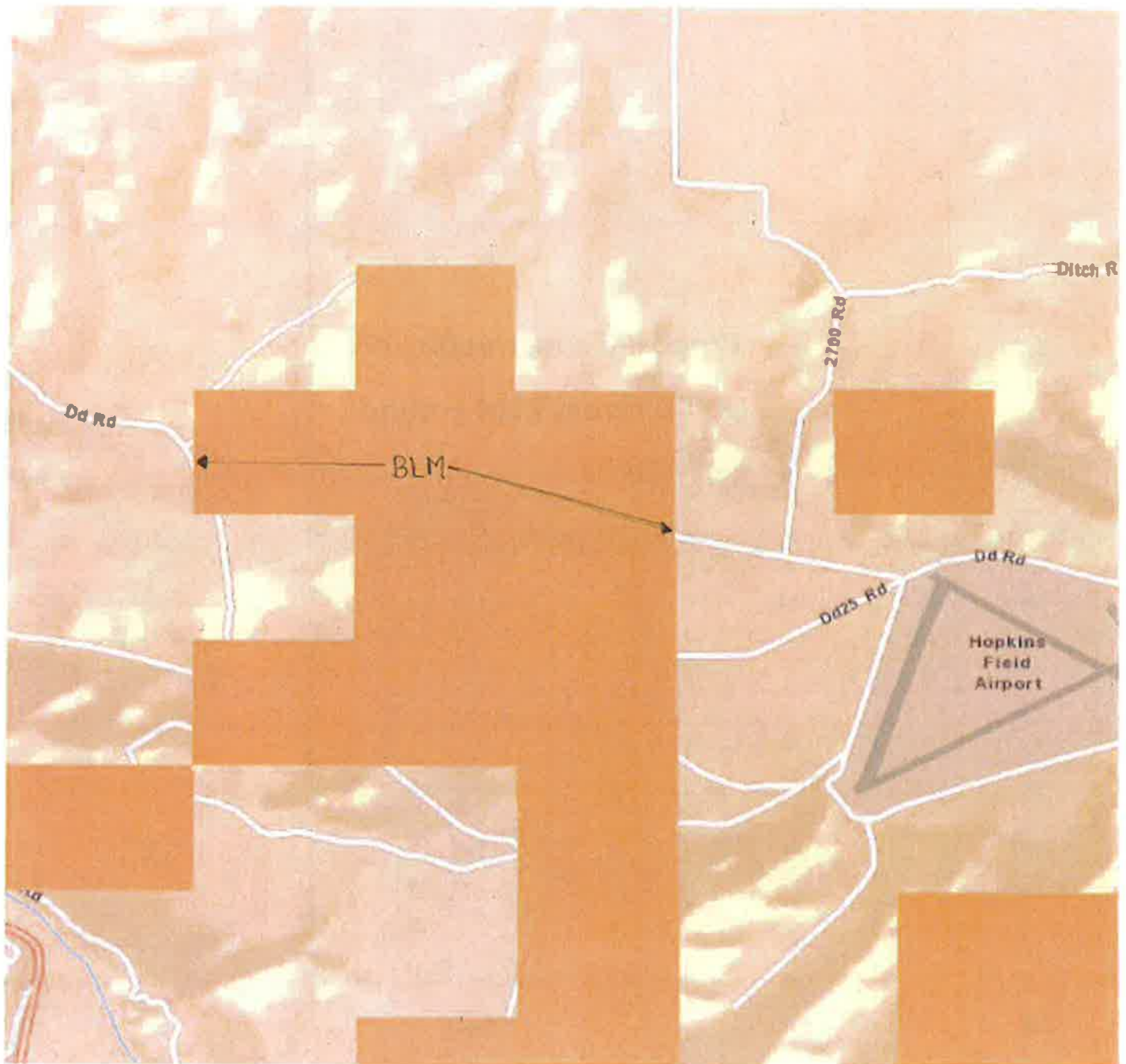
No warranty is made by the BLM for the use of the data for purposes not intended by the BLM.



Proposed construction on BLM grounds



DD Rd Telephone line construction on BLM grounds

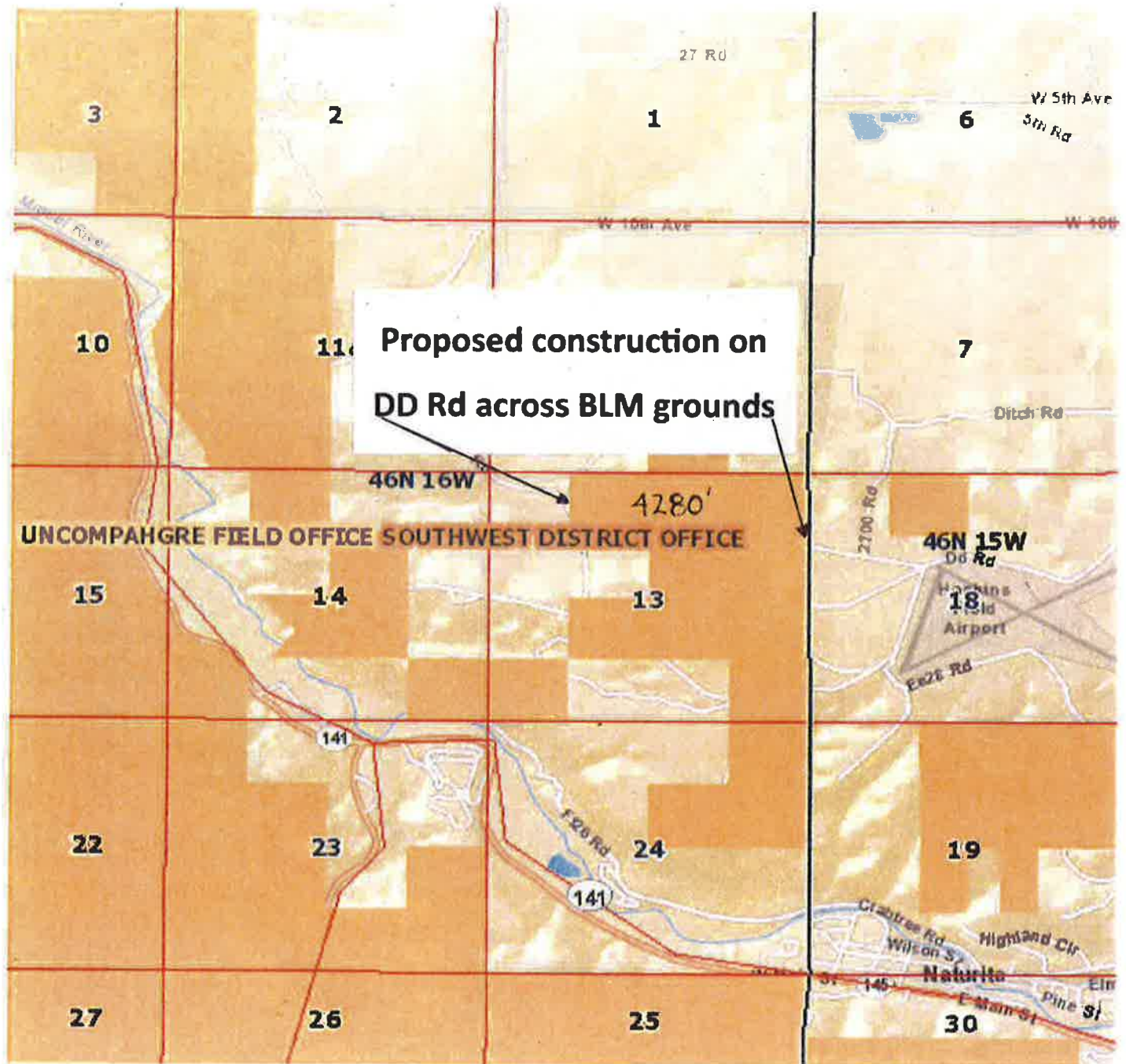


3/5/2015

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BLM Township Labels/section labels

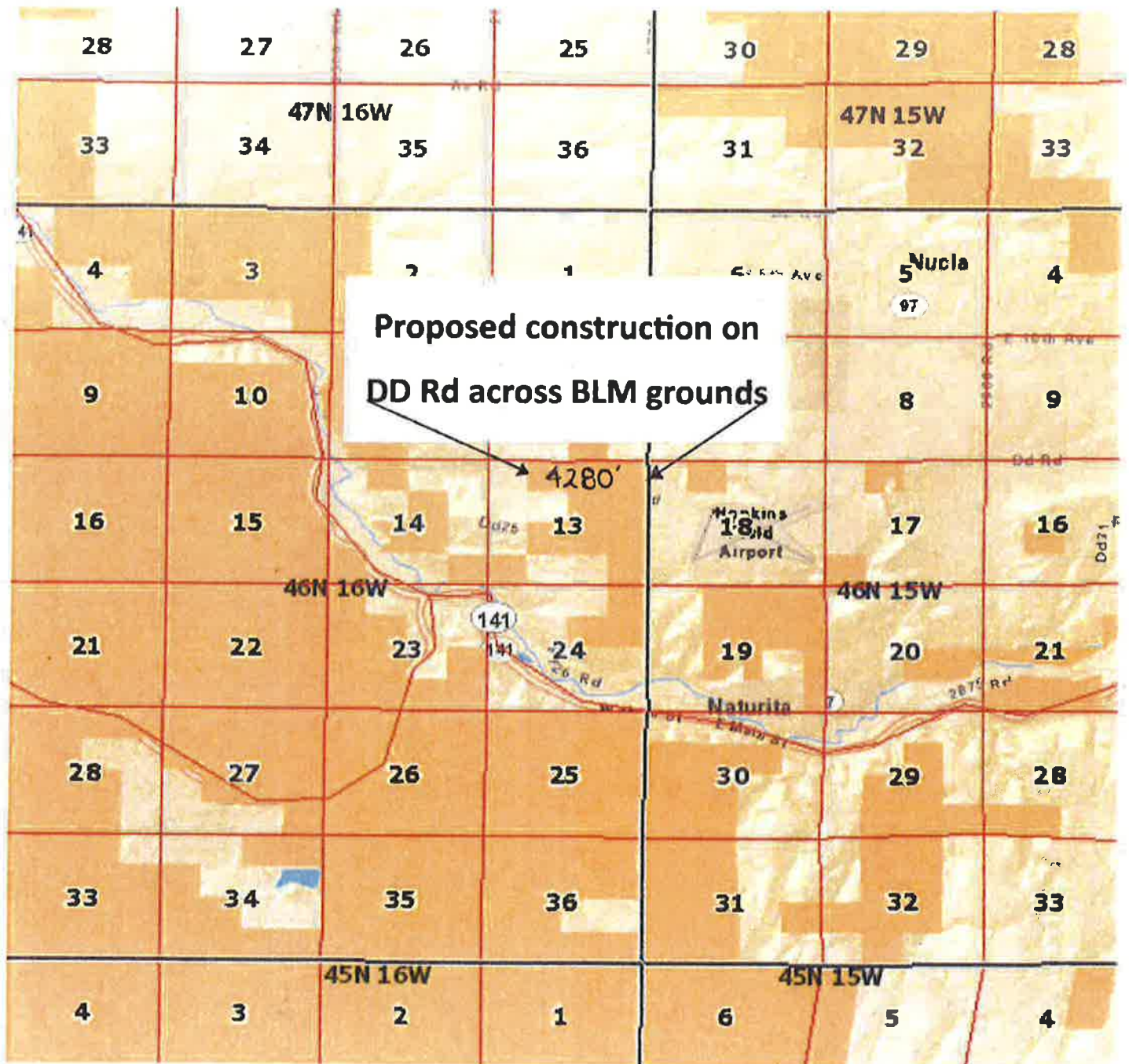


3/5/2015

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BLM map for proposed construction on DDrd



3/5/2015

No warranty is made by the BLM for the use of the data for purposes not intended by the BLM.



